IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3759 of 2007

Date of decision: 13.09.2007

M/s ATM Forgings, Jalandhar .....Petitioner

Versus

Commissioner of Central Excise, Jalandhar .....Respondent

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. Jagmohan Bansal, Advocate,
for the petitioner.

Mr. Sanjeev Kaushik, Advocate,
for the respondent.

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M.M.Kumar, J.

This petition has been filed under Articles 226/227 of the Constitution for quashing of order dated 21.02.2007 (Annexure P-7) and for issuance of directions to the respondent to cancel the registration certificate of the petitioner.

On the last date of hearing i.e. on 23.08.2007, we had noticed that in certain para of the order, the Additional Commissioner has referred to 'Draft Audit Para' concerning the dispute, which has been pending with the Ministry of Finance and he had expressed his inability to decide the matter on account of pendency of audit para before the Ministry of Finance. Learned counsel for the respondent had sought time to seek instructions with regard to the period which is likely to be taken by the Ministry of Finance to take decision on the 'Draft Audit Para' so as to enable the Additional Commissioner (Technical) to dispose of the matter finally.

At the hearing today, learned counsel for the respondent has

placed on record a photocopy of letter dated 05.09.2007 along with letter dated 31.08.2007 (Mark 'A' and 'B'), which shows that the Central Excise Commissionerate, Jalandhar had written to the Board enquiring about the present position of the 'Draft Audit Para' (DAP No. 247/2003-04). It has been pointed out that the Board has clarified that the pending show cause notices might be decided as per law and Central Excise Commissionerate, Jalandhar had written to the juridictional Assistant Commissioner to immediately adjudicate the show cause notices pending against the party. It has accordingly been informed by the Central Excise Commissionerate, Jalandhar that the cases pending against the petitioner would be immediately taken up for adjudication and the application for surrender of licence would be considered thereafter.

In view of the above, the instant petition has been rendered infructuous and is disposed of as such. We hope and trust that the matter would be decided expeditiously as per directions issued by the respondent.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 13, 2007
pj